THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 22304 OF 2004

30th December, 2005

Between:

1. Abdul Wahab Anari and Others ..Petitioner

A N D

1. The Govt. A.P. through Secretary Revenue

Department, ecretariat, Hyderabad and Others.

…Respondents

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 22304 OF 2004

O R D E R :

1. This writ petition has been filed by the petitioners who are six in number with a prayer to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the inaction of the respondents in considering the application of the petitioners dated 29-3-2004 for regularization of schedule property bearing

H.No. 1-8-1/B, admeasuring 480 square yards, situated at Bagh Lingampally under G.O.Ms.No. 515, Revenue (Assignment-I) as illegal and arbitrary.

2. The petitioners claimed that they are in possession of the property and they sought for regularization of their possession under the provisions of G.O.Ms.No.515, dated 19-4-2003.

3. Undisputedly, G.O.Ms.No. 515, dated 19-04-2003 is applicable to the Government lands and not to the lands owned by the A.P.Housing Board. The lands in question came to be acquired by the Housing Board in the year 1975. It is the contention of the petitioners that despite the land being acquired by the housing board they continued to be in possession of the property as on this day. A further contention has been raised that A.P. Housing Board has assured them to provide alternative accommodation.

4. Heard counsel for the petitioners and learned Government Pleader appearing for Respondents No. 1 to 4 and learned standing counsel appearing for the 5th respondent.

5. Undisputedly the land in question is acquired for the benefit of A.P. Housing Board and it can be said without controversy that A.P. Housing Board is the owner of the property. The G.O. referred above does not relates to the properties owned by the A.P. Housing Board. However, Housing Board has given assurance to the petitioners to provide alternative accommodation. In such a situation, if the petitioners want regularization of their possession, they have to make application to the A.P. Housing Board and there upon, the Housing Board has to consider their application, keeping in view of the rules in force.

6. In that view of the matter, I deem it appropriate to dispose of the writ petition giving liberty to the petitioners to make an application before the A.P. Housing Board-5th respondent for regularization of their possession or for providing alternative accommodation within one month from today and thereafter the Housing Board-5th respondent has to pass appropriate orders as expeditiously as possible. No order as to costs.

Justice B.Seshasayana Reddy

30th December, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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